

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	
)	8:06CR272
Plaintiff,)	
)	
vs.)	ORDER
)	
ELEAZAR GARCIA, JR.,)	
)	
Defendant.)	

IT IS ORDERED:

1. The defendant's motion for leave to file pretrial motion out of time (Filing No. 24) is granted. The defendant is granted leave to file the motion to suppress (Filing No. 22) out of time.

2. The government will have until on or before **November 20, 2006**, in which to file its brief in response to the motion to suppress.

3. The trial setting in this matter scheduled before Chief Judge Bataillon on December 11, 2006, is canceled, and will be rescheduled following the disposition of the motion to suppress.

4. The motion to suppress (Filing No. 22) is scheduled for hearing before the undersigned magistrate judge at **2:30 p.m. on November 28, 2006**, in Courtroom No. 7, Second Floor, Roman L. Hruska United States Courthouse, 111 South 18th Plaza, Omaha, Nebraska.

Counsel are reminded of the requirements of NECrimR 12.5 which provides as follows:

Disclosure of Evidence. This rule applies to all evidentiary hearings on pretrial motions in criminal cases.

(a) **Witnesses.** At the time of the hearing, and to the extent reasonably possible, the parties shall submit to the judge and courtroom deputy a written list of all witnesses whom the parties expect to call.

(b) **Exhibits.** At least twenty-four (24) hours before the hearing, each party shall mark the exhibits that party intends to introduce into evidence at the hearing, and provide a copy to counsel for all other parties and to the presiding judge.

Exhibits should be marked as follows: government's exhibits beginning at Number 1 and defense exhibits beginning at Number 101.

This being a criminal case, defendant must be present unless otherwise ordered by the court.

DATED this 13th day of November, 2006.

BY THE COURT:

s/ Thomas D. Thalken
United States Magistrate Judge